

DOA
02-16-08

United States District Court

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

V.

Marcus McCarver
Amanda Smith
Neil Thomsen

CRIMINAL COMPLAINT

08-7082M

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 15, 2008, in Maricopa County, in the District of Arizona, defendants knowingly and without lawful authority stole, took and abstracted from a letter box, mail receptacle or other authorized repository for mail matter, approximately 88 pieces of United States mail

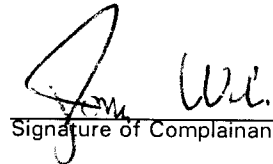
in violation of Title 18 United States Code, Section(s) 1708 and 2.

I further state that I am a United States Postal Inspector and that this complaint is based on the following facts:

Official Title

Continued on the attached affidavit and which is made a part hereof: ☒ Yes ☐ No

Approved by AUSA Frank T. Galati



Signature of Complainant

Sworn to before me and subscribed in my presence,

February 19, 2008

at Phoenix, Arizona

Date

City of State

Edward C. Voss

U.S. Magistrate Judge


Signature of Judicial Officer

AFFIDAVIT

I, James L. Wilson, being duly sworn, hereby state that the following is true and correct to the best of my knowledge and belief:

1. I am a Postal Inspector with the United States Postal Inspection Service, and have been so employed for over four years. I am currently assigned to the Phoenix Division, Phoenix, Arizona. Prior to being a Postal Inspector, I was a Police Officer with the Fulton County Police Department, Fulton County, Georgia for nine years. In the course of my duties, I regularly investigate mail theft, identity theft and bank fraud cases.
2. On February 15, 2008, I received a phone call from Inspector Joyce Graves. Inspector Graves informed me that she received a call from the National Law Enforcement Communication Center (NLECC). NLECC informed Inspector Graves that the Avondale Police Department, Avondale, AZ, had notified NLECC that the Avondale Police Department had three individuals in custody for mail theft.
3. I responded to the Avondale Police Department and met with Officer Sean Maas (Badge #0692). Officer Maas stated that on February 15, 2008 at approximately 10:00PM, the Avondale Police Department received a 911 call from a Tim Vanruesen. Mr. Vanruesen informed the Police that he witnessed two white males and one white female breaking into a Neighborhood Delivery Collection Box Unit (NDCBU) located at 1214 N. 119th Ave, Avondale, AZ. Mr. Vanruesen further advised that they were driving a red/orange compact sedan.
4. Officer Maas and other units with the Avondale Police Department responded to the area and were given a description of the vehicle. Sergeant Nick Nocella noticed a vehicle fitting the description of the car that was at the NDCBU driving out of the vicinity of 119th Avenue approximately five minutes after the 911 call. Sergeant Nocella initiated a traffic stop on the car. When Sergeant Nocella approached the car, a white female was driving the car and two white males were

occupants. Sergeant Nocella noticed in plain view on the floorboard, numerous pieces of U.S. Mail.

5. Based on the information from 911, and the U.S. Mail in the car, the Avondale Police Department took all three subjects into custody and impounded the vehicle. When the Avondale Police Department inventoried the vehicle, they recovered approximately 88 pieces of U.S. Mail in other people's names from 1214 N 119th Avenue, Avondale, AZ, a screwdriver, a knife and a flashlight. The occupants of the vehicle were identified as Marcus McCarver, Amanda Smith and Neil Thomsen.

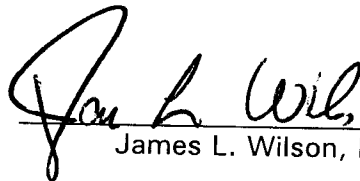
6. While in Custody, I interviewed Marcus McCarver. Mr. McCarver was read his Miranda Rights. Mr. McCarver agreed to speak with me and voluntarily signed a "Warning and Waiver of Rights" form. Mr. McCarver advised that he, Neil Thomsen and Amanda Smith were driving down 119th Avenue when they noticed the NDCBU. Mr. McCarver stated that Neil Thomsen convinced him to break into the NDCBU. Mr. McCarver stated that he and Neil Thomsen went behind the NDCBU and pried open the box with a screwdriver that Amanda Smith gave them. At that time, he and Neil Thomsen took U.S. Mail out of the NDCBU, got into the vehicle and drove away. Mr. McCarver advised that Amanda Smith was driving the car.

7. While in custody, I interviewed Amanda Smith. Ms. Smith was read her Miranda Rights. Ms. Smith agreed to speak with me and voluntarily signed a "Warning and Waiver of Rights" form. Amanda Smith stated that she was driving Marcus McCarver and Neil Thomsen through her old neighborhood located on 119th Avenue when they drove by a NBCBU. Neil Thomsen made a comment about breaking into the box. At that time, Neil Thomsen and Marcus McCarver got out of the vehicle and went to the back of the NDCBU. Ms. Smith drove away. However, she did return. Ms. Smith admitted that she knew what Neil Thomsen and Marcus McCarver were doing. Ms. Smith further advised that she gave Neil Thomsen a screwdriver to pry open the box.

8. During the course of the investigation, the Avondale Police Department was able to contact Mercedes and Adrian Espano. Mercedes and Adrian Espano receive mail at 1214 N. 119th Avenue, Unit 13, Avondale, AZ and were one of the victims whose mail was recovered in the vehicle. Mercedes and Adrian Espano informed the Avondale Police Department that they do not know Marcus McCarver, Amanda Smith and Neil Thomsen. They further advised that they did not give permission for Marcus McCarver, Amanda Smith and Neil Thomsen to be in possession of their U.S. Mail.

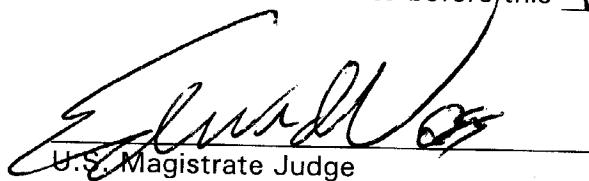
9. On February 16, 2008, I was able to speak with Tim Vanruesen. Mr. Vanruesen stated that he was in his home when he heard a loud bang outside. Mr. Vanruesen went to his window and observed two white males in the back of the NDCBU prying it open and what appeared to be a white female in front of the NDCBU. He observed this for approximately 2-3 minutes while he was calling 911. He observed all three of them taking mail from the NDCBU and putting the mail in a red/orange compact sedan and drive away.

10. Based on my training and experience in the investigation of Theft of Mail or Possession of Stolen Mail in Violation of Title 18, United States Code, Section 1708, and the facts set forth in this affidavit, I submit there is probable cause to believe that Marcus McCarver, Amanda Smith and Neil Thomsen did knowingly and unlawfully have in their possession stolen mail, knowing the same to have been stolen, taken, embezzled or abstracted in Violation of Title 18, United States Code, Section 1708.



James L. Wilson, Postal Inspector

Subscribed and Sworn to before this 19th day of February 2008


U.S. Magistrate Judge